

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CASE NO. 1:19-cv-960-CCE-JEP**

**GAYLA PRICE,**

**Plaintiff,**

**v.**

**GREENSBORO NEWS & RECORD,  
LLC, BH MEDIA GROUP, INC.,  
BERKSHIRE HATHAWAY, INC., and  
KELLY YOUNG,**

**Defendants.**

**DEFENDANT BERKSHIRE  
HATHAWAY INC.'S  
MOTION TO DISMISS**

Defendant Berkshire Hathaway Inc. (“Berkshire Hathaway”), specially appearing through its counsel and without submitting to the jurisdiction of the Court, respectfully requests that the Court dismiss, with prejudice, Plaintiff’s claims against it pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, on the basis that the Court lacks personal jurisdiction over Berkshire Hathaway, or in the alternative, and only in the event this Court determines that it has personal jurisdiction over it, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the basis that Plaintiff has failed to state a claim upon which relief can be granted against Berkshire Hathaway.

As set forth in detail in Berkshire Hathaway’s supporting Brief in support of this Motion, Berkshire Hathaway has insufficient minimum contacts with the state of North Carolina for this Court to exercise either general or specific personal jurisdiction over it. Alternatively, Plaintiff has failed to state a claim upon which relief can be granted against

Berkshire Hathaway since she failed to exhaust her administrative remedies as to Berkshire Hathaway (as to her Title VII and REDA claims) and failed to allege sufficient facts showing an employment relationship between her and Berkshire Hathaway as to all of the claims set forth in the Amended Individual and Collective Action Complaint. [Doc. 3]

WHEREFORE, Defendant Berkshire Hathaway respectfully requests that Plaintiff's claims against it be dismissed with prejudice for lack of personal jurisdiction or, in the alternative, for failure to state a claim upon which relief can be granted, and for such other relief as the Court deems just and proper.

Respectfully submitted, this the 29<sup>th</sup> day of November, 2019.

**/s/ William J. McMahon, IV**

William J. McMahon, IV

N.C. State Bar No. 34097

Email: [bmcMahon@constangy.com](mailto:bmcMahon@constangy.com)

CONSTANGY, BROOKS, SMITH, &  
PROPHETE, LLP

100 N. Cherry St., Suite 300

Winston-Salem, NC 27101

Telephone: 336-721-1001

Facsimile: 336-748-9112

*Counsel for Defendant Berkshire Hathaway Inc.*

### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed **DEFENDANT BERKSHIRE HATHAWAY INC.'S MOTION TO DISMISS** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Catharine E. Edwards** ([cedwards@edwardskirby.com](mailto:cedwards@edwardskirby.com)) and **Stephanie W. Anderson** ([swa@bsa-llp.com](mailto:swa@bsa-llp.com)) and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: none.

This the 29<sup>th</sup> day of November, 2019.

**/s/ William J. McMahon, IV**  
William J. McMahon, IV  
N.C. State Bar No. 34097  
Email: [bcmcmahon@constangy.com](mailto:bcmcmahon@constangy.com)  
CONSTANGY, BROOKS, SMITH  
& PROPHETE, LLP  
100 North Cherry Street, Suite 300  
Winston-Salem, NC 27101  
Telephone: (336) 721-1001  
Facsimile: (336) 748-9112